REMARKS

Claims 1, 5, 7-10, 13 and 14 are pending in the application.

In paragraph 3 on page 5 of the Office Action, claim 1 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks in view of Gordon.

In paragraph 4 on page 7 of the Office Action, claims 5 and 8 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks in view of Gordon and Miller.

In paragraph 5 on page 10 of the Office Action, claim 7 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and Miller, and further in view of Hoarty.

In paragraph 6 on page 11 of the Office Action, claims 9 and 10 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and Bolanos.

In paragraph 7 on page 14 of the Office Action, claim 13 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and Bolanos.

In paragraph 8 on page 15 of the Office Action, claim 14 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Hendricks, Gordon, and MacInnis.

Applicant respectfully traverses the rejection.

Independent claim 1 sets forth generating, at a headend, at least one bitmap for a channel information window, encoding, at the headend, a broadcast video presentation and the bitmap for the channel information window, the broadcast video presentation being programming from one of a plurality of channels, transmitting, from the headend

to a set top terminal, the broadcast video presentation and the bitmap for the channel information window wherein elements on a display screen can be selectively masked and displayed, receiving, at the set top terminal, a signal to activate the channel information window, decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window and compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display so that the channel information window overlays and obscures at least a portion of the broadcast video presentation on the display wherein transmitting the bitmap for the channel information window is performed via an out-of-band channel. Independent claims 5, 9 and 10 recite similar elements.

Accordingly, the headend transmits a broadcast video presentation and bitmap for the channel information window, wherein the set top terminal decodes the information therein to produce video stream for a display.

In contrast, Hendricks discloses generating a program control information signal that provides the network controller 214 with data on the scheduling and description of programs. The network controller 214 sends the data to the set top terminal 220 in the form of a set top terminal control information stream (STTCIS). The set top terminal 220 integrates either the program control information signal or the STTCIS with data stored in the memory of the set top terminal 220 to generate on-screen menus that assist the subscriber in choosing programs for display. According to Hendricks, a minimal amount of information is communicated to the set top terminal 220 on a regular basis.

The set top terminal 220 determines the proper menu location for each program and the proper time and channel to activate for the subscriber after a menu selection. Further, Hendricks states that the menu format for creating the menus can be fixed in ROM at the set top terminal 220. New menu format information may be sent via the program control information signal or the STTCIS to the set top terminals 200 whenever a change to a menu format is desired. Hendricks further states that the menus may be generated from menu templates stored in each set top terminal. Still further, Hendricks states that the set top terminal 220 generates the menus that are displayed on the television by creating arrays of particular menu templates.

Accordingly, Hendricks fails to disclose, teach or suggest encoding, at the headend, a broadcast video presentation and the bitmap for the channel information window, the broadcast video presentation being programming from one of a plurality of channels and transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window.

Further, Hendricks merely provides the data to the set top terminals. While the data for the schedules and for the menus are transmitted in a properly formatted signal to the set top terminals, the set top terminals must process the received data and generate the bitmap for the channel information window.

Hendricks also fails to suggest decoding, at the set top terminal, the bitmap for the channel information window and compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a

video stream for a display so that the channel information window overlays and obscures at least a portion of the broadcast video presentation on the display.

Rather, as discussed above, the set top terminal does not decode the bitmap for the channel information window, but instead has to generate the bitmap at the set top terminal.

Thus, Hendricks fails to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Gordon fails to overcome the deficiencies of Hendricks. Gordon is merely cited as disclosing a system wherein downloaded graphics used in displaying overlays atop of video content are downloaded as bitmaps and elements on a display screen can be selectively masked and displayed. The Office Action states that Hendricks generates graphics at a headend and that Gordon teaches that graphics may be a bitmap.

However, Hendricks teaches that only schedule data, description data and menu format data is transmitted to the set top terminals. The set top terminal 220 may then combine the different signals to form the desired display on the subscriber's television. Thus, at best, Hendricks and Gordon, when combined suggest that a set top terminal may combine the different signals to form a bitmap that implemented in a display signal at the subscriber.

Thus, Hendricks and Gordon, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Miller fails to overcome the deficiencies of Hendricks and Gordon. Miller is merely cited as disclosing changing, at the set top terminal, the channel information window in response to a navigation command.

However, Miller fails to address generating, at a headend, at least one bitmap for a channel information window. Miller also fails to address encoding, at the headend, a broadcast video presentation and the bitmap for the channel information window and transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window. Miller also fails to address decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window and compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display.

Thus, Hendricks, Gordon and Miller, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Hoarty fails to overcome the deficiencies of Hendricks, Gordon and Miller. Hoarty is merely cited as disclosing that the particular broadcast video display is changed by generating, encoding, and transmitting video packet streams at the head end.

However, Hoarty fails to address generating, at a headend, at least one bitmap for a channel information window. Hoarty also fails to address encoding, at the headend, a broadcast video presentation and the bitmap for the channel information

window and transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window. Hoarty also fails to address decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window and compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display.

Thus, Hendricks, Gordon, Miller and Hoarty, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Bolanos fails to overcome the deficiencies of Hendricks, Gordon, Miller and Hoarty. Bolanos is merely cited as disclosing that a signal to active the channel information window is received at the headend from the set top terminal.

However, Bolanos fails to address generating, at a headend, at least one bitmap for a channel information window. Bolanos also fails to address encoding, at the headend, a broadcast video presentation and the bitmap for the channel information window and transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window. Bolanos also fails to address decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window and compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display.

Thus, Hendricks, Gordon, Miller, Hoarty and Bolanos, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

MacInnis fails to overcome the deficiencies of Hendricks, Gordon, Miller, Hoarty and Bolanos. MacInnis is merely cited as disclosing that data may be broadcast continually.

However, MacInnis fails to address generating, at a headend, at least one bitmap for a channel information window. MacInnis also fails to address encoding, at the headend, a broadcast video presentation and the bitmap for the channel information window and transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window. MacInnis also fails to address decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window and compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display.

Thus, Hendricks, Gordon, Miller, Hoarty, Bolanos and MacInnis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 5, 9 and 10.

Dependent claims 7-8, 13 and 14 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 5 and 10, respectively. Further dependent claims 7-8, 13 and 14 recite additional novel

elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 7-8, 13 and 14 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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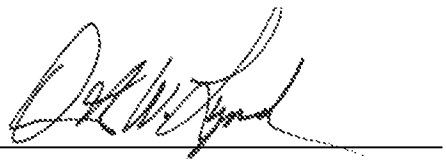
By: 

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